

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

<b>JASPER WILFORD ALFORD,</b>	)	No. CIV S-97-0664 LKK DAD P
	)	
Petitioner,	)	<b>CERTIFICATE</b>
	)	<b>OF APPEALABILITY</b>
v.	)	
	)	
<b>THOMAS MADDOCK, et al.</b>	)	
	)	
Respondents.	)	
_____	)	


On May 11, 2007, this Court entered an Order denying the Amended Petition For Writ of Habeas Corpus. On the same day, this Court entered a Judgment against petitioner and in favor of respondent.

Pursuant to 28 U.S.C. § 2253, petitioner filed a timely Request of Certificate of Appealability. The Court finds that petitioner has demonstrated that adjudication of his Petition for Writ of Habeas Corpus presents a “substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), with respect to the following issue:

Whether petitioner may challenge in federal court the constitutional validity of a state court, prior conviction used to enhance his current state sentence, where the state court erroneously barred petitioner from litigating the validity of that prior conviction in state court.

As to the foregoing issue, petitioner's request for a Certificate of Appealability is granted.

Dated: May 23, 2007.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT